

## National Organic Standards Board (NOSB)

### Executive Committee Minutes

Friday, June 9, 2006, 12 noon EST

**Attending:** *Officers:* Kevin O'Rell (Chair), Bea James (Secretary), and Andrea Caroe (Vice-Chair, CAC), *Members:* Gerald Davis (Crops), Michael Lacy (Livestock), and Julie Weisman (Handling)

**Absent:** Nancy Ostiguy (Materials) and Rigo Delagado (Policy Development)

**Staff:** Valerie Frances and Mark Bradley

1. Call to Order - Kevin
2. Approve agenda - all
3. Secretary's report – Bea
4. Chair's report - Kevin
  - a. April Meeting follow-up
5. NOP update - dockets still held up by OGC or OMB
6. Identify and Discuss Issues/Petitions/recommendations for October meeting by Committee
  - a. Crops Committee – GD  
Ca Chloride petition  
Perlargononic acid petition  
Sodium ferric hydroxyl EDTA petition  
Lime mud petition  
Sulfuric acid in manure  
Soy protein isolate petition  
Ammonium bicarbonate petition
  - a. Livestock Committee – ML  
AWG  
Pasture – revised recommendation based on proposed rule?  
Origin of Livestock
  - b. Handling Committee – JW  
Colors – deferred vote and new petitions  
Pet food task force  
Carbon dioxide petition  
Pectin petition  
Natamycin petition  
Sea Salt petition  
Sodium carbonate peroxyhydrate petition  
FOS petition  
Gellan gum petition  
Revisit Lecithin, bleached  
Ag/nonAg reco
  - c. Materials Committee – NO  
Syn/nonSyn reco
  - d. Policy Development Committee – RD  
New member guide  
Board Policy Manual updates/revisions
  - e. Compliance, Accreditation & Certification - AC
7. October Meeting – number of days needed.
8. Other business - all
9. Adjourn - all

1. Call to Order - Kevin O'Rell

2. Approve agenda - Intent is to concentrate on those items intended to be addressed at the October 2006 meeting: BJ 1<sup>st</sup>, AC, 2<sup>nd</sup>, Agenda Approved

3. Secretary's report – Bea James

a). EC Minutes for April and May: Did not approve April minutes last meeting because of comments made in May's meeting. Officers reviewed the May's minutes prior to this EC call and approved the new format which is more of a summary with key points made by specific members when new issue, idea, question or concern is raised; BJ moved to accept May's minutes, AC 2<sup>nd</sup> Approved.

Discussed VF revising April's minutes to reflect new format reflecting that April's meeting focused on logistics and preparations for the April 2006 meeting; April's minutes will be available for July's conference call.

b). Meeting summaries of NOSB transcripts: They have not been done for the last 3 meetings (August 2005, November 2005, and April 2006) because there are so many high priority tasks. The transcribed minutes will be the minutes of the NOSB meeting. VF will post instruction as to how to search the transcripts for specific topics. BJ will use VF search instructions to verify and validate the method. KO suggested that it be part of the Secretary's report at the October 2006 NOSB meeting as well. Knows that not everyone will be happy with this, but we have a lot of meaningful work on our plate, the information they seek is in the transcripts, and it just does not seem like the best use of someone's time to do this. AC referred to one benefit was that listing the transcript page numbers of the topics covered on the agenda. VF will look at this and do this for April's meeting and provide an estimate of how long it. KO requested that we do a power point presentation on how to search at the NOSB meeting for the audience. BJ and VF will be prepared to do this as part of the Secretary's Report.

4. Chair's report - Kevin O'Rell

a.) Committee Chair follow up from April NOSB meeting - All action items have been submitted. Format is workable. Most immediate questions have been on commercial availability. VF circulated draft of NOP response which included: 1) additional details for consideration of commercial availability by the NOSB for placement on 606, and 2) additional considerations and a requirement that certification agencies post products that that they are persuaded are not commercially available as organic on the NOP website for comment by the industry. NOP would like a formal response at October meeting, looking at some of the recent 606 petitions received as examples.

General discussion that this collaboration and feedback needs to work through the Joint committees that created the Commercial Availability Recommendation which is Handling and Policy Development. AC: This is certifier guidance – is this guidance justified under statute and rule? The PDCHC looked at this and wondered. VF: NOP is also wondering whether these procedures will ultimately require a rule change as well, but this is a work in progress. JW: It's great to make sure that we have everything worked out procedurally, but the clock is ticking on the industry and we need to respond. VF: According to OMB (Office of Management and Budget), even guidances will have to go through a public comment process ultimately as well. We are responding to a court decision, and hopefully, our intent to comply is demonstrated even if everything is not completed worked out.

5. NOP update - dockets still held up by OGC or OMB

Final Rule for livestock and Proposed Rule for crops and processing materials' dockets are in the final stages. There are livestock medications that FDA will not allow for "off-label" uses that cannot go forward. NOP has submitted for final internal review and we should see a federal register docket on these items very soon.

Pasture PR is coming soon as well – already reviewing comments but waiting until public comment process is complete on Monday, June 12th. Want the rule on pasture to be enforceable and workable, really thinking about this. EC members emphatically stressed: *It is very important to have the Pasture PR out there prior to next NOSB meeting.*

## 6. Committee Chair Reports on work plan items "in progress" only

### Handling: Julie Weisman

- a.) Commercial Availability: This is a work in progress as described above in NOP response to this recommendation. Committee will work on criteria for October with examples from actual petitions, then deal with actual petitions in April. Not enough time to get these items into rule. All we can do is our best, organize the process and our criteria, and see what comes in.
- b.) Colors – deferred material – It is not realistic to get the general category of colors on the National List like it was. We would need a full tap on colors, and this is not even an option. We are likely to receive some petitions for individual colors which is easier to deal with. VF indicated that “The Roberts Group” (an industry association representing the flavor and color industry) is putting together a “flavors and colors 101 grid” to correlate with the National List categories which is a starting place even though this is the industry perspective. VF has been encouraging callers on this issue to take a serious look at what colors or flavors could be made organically, that this is a shorter process than the rule-making process.
- c.) Ag/nonag discussion – so much is resting on this, looking at including other nonplant life forms as agricultural products, and will put out a proposal. This issue was spurred by yeast, but other items will also need to be considered here.
- d.) Nonsyn/synthetic discussion – great feedback from program and OMRI – need to get on task with materials committee; someone taking ownership
- e.) Food contact substances – NOP concerned about legal action brewing on this issue– MB described longstanding confusion over materials, ingredients, and substances, and which of these substances should be legitimately reviewed by the NOSB. Would like to do this as a collaborative effort and gets some analysis on this JW: at what point does or can a food contact substance become an ingredient – are they left behind in the food? KO: We have to go back to NOP scope statement – the assumptions is that these are not in our scope based on FDA’s view. There is contact with these substances, but nothing is left in the food. This could be better addressed at JC call with Materials and Handling along with nonsyn/syn discussion; HC could get it started – MC is not on this call: KO and JW will discuss how to get this moving
- f.) PFTF – Soliciting input and comments from certifiers; Currently, comparing the AAFCO and NOP labeling formats; it is likely that by September, they should be able to get a recommendation;
- g.) Materials – New petitions: FOS, Gellan Gum, Carbon Dioxide, Natamycin, Pectin, Sea Salt, Sodium carbonate peroxyhydrate. A question was raised as to why there is a Sea Salt petition since salt is an excluded item, waiting for technical review to take a closer look since there are salts and minerals other than NaCl present in Sea Salt. Is sodium carbonate peroxyhydrate really a handling material – also a crop material – some crossover uses analogous to chlorine being used in more than one system. There was also lots of general discussion that all of these petitions really could benefit from ag/nonag and syn/nonsyn discussion and recommendation from JC of materials and handling. KO mentioned that the Materials Committee really needs someone to take charge of these issues (ag/nonag and syn/nonsyn. GD willing to take on these issues on the materials committee but he would need to step down as chair of the crops committee - perhaps JM could take on the Crops committee chair? KO will follow up to work that out with individual members.

### Livestock: Mike Lacey

- a.) Response to Aquaculture Working Group (AWG) is a major item –AC and ML will discuss leadership very soon and want to have a recommendation for the October meeting.
- b.) Pasture - Question of NOP as to how quickly the pasture comes out was addressed under NOP update, felt that there has been enough comment so far; individual members may want to submit individual comments if they desire by next Monday.
- c.) Origin of livestock – NOP next steps after Harvey; MB to revisit the 10/2002 NOSB recommendation and plan on a PR very soon.
- d.) Livestock materials – docket is very close as indicated above under NOP report; There were medications that were not approved for off-label uses by FDA as previously discussed and they will not go forward, those issues have to be addressed with FDA under their process; Oxytocin and

Ivermectin annotations need to be addressed based on public comments received during the sunset review process; LC to take a look at this at the next LC meeting.

Crops Committee: Gerald Davis

- a.) New petitions are a priority – ammonium bicarbonate; lime mud, sulphuric acid, soy protein isolate (syn – nonsyn); – timing is difficult for him right now during production season with his employer’s work expectations, but plan to give a lot of time to this in August; VF reports that new petitions are going to technical review within the next week.
- b.) Developing a revised recommendation on compost tea, dehydrated manures, and vermiculture is doable for October meeting;
- c.) Will provide an update on hydroponics, but no recommendation is expected at October,
- d.) Final recommendation on temporary variances for research;
- e.) Commercial availability of seed – making the database happen, Where do we go from here? Doesn’t see how it’s going to work; AC mentioned Keith Jones E-cert that isn’t going to happen now, so what’s next, need direction from NOP;

Materials Committee: Nancy Ostiguy

(Already discussed next steps on NonsynSyn and AgNonag at the end of the HC above since NO was not on call and no Vice-Chair has been selected to report.)

Policy Development Committee: Bea James (Vice Chair of PDC since RD was not on call)

- a.) New Member Guide – VF feedback from NOP is that it should be 2 page welcome letter: here’s what to read, first meeting tips, and everything else should be in board policy manual Bea to update New Member Guide by end July.
- b.) Board Policy Manual – BJ will compile list of updates for BPM. BJ and AC will work on together on updating Board policy manual, Policy Manual will incorporate some New Member Guide information.

Compliance, Accreditation, and Certification: Andrea Caroe

- a.) Retailer Q & A NOSB recommendation from August 2005 – Had a phone call with MB and VF - use of “retailer” is confusing, really “private labeler” – NOP would like to collaborate on working on this, CAC will have a phone conference about this soon to discuss details of this issue;
- b.) Peer review – would like to engage JS on this follow-up regarding ANSI report;
- c.) Certificates – NOP would like to collaborate on this and has requested that the CAC work on a recommendation for a standard certificate format for consistency.
- d) NOP has also gotten feedback regarding the lack of expiration dates – NOP would like an NOSB recommendation on this as well. It will require rule-making.

7. October meeting – NOSB requested a 3 day meeting and MB agreed that sounded good since only 2 meetings per year now – travel on the 16<sup>th</sup>, meeting on the 17<sup>th</sup> – 19<sup>th</sup>, travel on the 20<sup>th</sup>

10. Other business - none

11. Adjourn – AC 1<sup>st</sup>, ML 2<sup>nd</sup> all